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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,606	11/24/1999	JEAN-PIERRE BONICEL	Q56881	5230

7590

11/15/2002

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EXAMINER

NGUYEN, CHAU N

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 11/15/2002

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/448,606

Applicant(s)

BONICEL, JEAN-PIERRE

Examiner

Chau N Nguyen

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,10-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-5,7-9 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roe et al. (4,006,289) in view of Leger et al. (5,213,905).

Roe et al. discloses a telecommunications or power cable that is structurally reinforced by incorporating armoring having one layer of wires (15) wherein the layer of wires includes steel wires (claims 1&6) and does not carry electricity.

Roe et al. does not disclose each of the steel wires being covered in a layer of stainless steel (claims 1,2,6&10). Leger et al. discloses a composite product comprising a stainless steel sheet being plated on an armor steel sheet to provide the composite product with a good corrosion resistance. It would have been obvious to one skilled in the art to modify the steel wires of Roe et al. by covering each steel wire with a stainless steel layer as taught by Leger et al. to provide each of the wires a good corrosion resistance as taught by Leger et al.

Re claims 11 and 12, the modified Roe et al. cable discloses that the stainless steel of each composite wire directly contacts the core of steel so as to form a two layered structure.

3. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazato et al. in view of Leger et al.

Okazato et al. discloses a telecommunications cable that is structurally reinforced with armoring, the armoring being a tube (1) that forms a concentric layer of the cable, the tube having a steel core. Okazato et al. does not disclose the tube having a layer of stainless steel covering the steel core. Leger et al. discloses a composite product comprising a stainless steel sheet being plated on an armor steel sheet to provide the composite product with a good corrosion resistance. It would have been obvious to one skilled in the art to modify the steel tube of Okazato et al. by covering the steel core with a layer of stainless steel as taught by Leger et al. to provide the tube with a good corrosion resistance as taught by Leger et al.

Re claim 15, the modified Okazato et al. cable discloses the steel core being directly contact the stainless steel layer.

Allowable Subject Matter

4. Claims 3-5, 7-9 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a telecommunications or power transport cable comprising all features as recited in the claims and in combination with each of the wires being made of composite steel wire which is made from a tube of stainless steel filled with ground steel particles that are compressed under high pressure within the tube, then placed in a furnace, heated, and drawn to a desired section (re claim 3, 7 and 14), and with a tube that forms a concentric layer of the cable is provided, wherein the tube is obtained from a sheet made of composite steel having a steel core of a standard type covered in a layer of stainless steel (re claims 4 and 8).

Response to Arguments

6. Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection except for the following.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant further argues that the present invention is in the field of mechanical reinforcement for cabling, and not in the field of armored flat sheet as disclosed by Leger et al. As recited in the claimed invention that the cable is structurally reinforced with **armoring**, and Leger et al. is directed to an **armored** sheet. Accordingly, Leger et al. is not a non-analogous art. In addition, it is the fact that covering a steel core with a layer of stainless steel would provide the composite product with a good corrosion resistance as taught by Leger et al., therefore one skilled in the art would at the time the invention was made would apply the teaching of Leger et al. into the cables of Roe et al. and Okazato et al.

Summary

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 308-0693. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308 3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308 3431 for regular communications and (703) 305 1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Chau N Nguyen', with a stylized flourish extending to the right.

Chau N Nguyen
Primary Examiner
Art Unit 2831

CN
November 13, 2002